



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 7, 1992

Mr. David B. Casas
Assistant City Attorney
City of San Antonio
P. O. Box 839966
San Antonio, Texas 78283-3966

OR92-586

Dear Mr. Casas:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 17335.

The City of San Antonio (the "city") has received a request for the identity and location of witnesses with knowledge concerning a particular employee matter, a list of witnesses the city intends to call to provide testimony in a hearing on that matter, and "all tape recordings, photographs, video tapes . . . and other documents" the city intends to offer as evidence in the hearing.

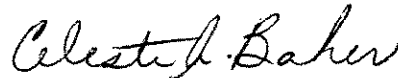
You argue that this request is not a proper request under the Open Records Act and that the city is not required to prepare information in response to the request nor answer factual questions. Consequently, you have not submitted any documents to us for review.

We agree that the Open Records Act applies only to information in existence and does not require the city to prepare new information. *See* Open Records Act Decision No. 572 (1990). Similarly, a governmental body is not required to answer factual questions. *See* Open Records Decision Nos. 563 (1990) at 8; 555 (1990); 347 (1982). We also agree that the city need not comply with a standing request for information to be prepared in the future. Attorney General Opinion JM-48 (1983); Open Records Decision No. 465 (1987). Nevertheless, the city must make a good faith effort to relate a request to information which it holds. Open Records Decision No. 561 (1990) at 8. You have not advised us that the city possesses "no documents" that contain the requested information. If such documents exist, you should immediately advise the requestor of the available documents so that he may

clarify his request. *Id.* at 9. Once you have determined the existence of such information and the requestor has asked for that information in writing, the city must release the requested information or request an open records decision from this office at that time. *See generally* Open Records Decision No. 197 (1978) (failure to submit requested information to the attorney general creates a presumption that the information is public).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-586.

Yours very truly,



Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/lmm

Ref.: ID# 17335
ID# 17459
ID# 17493

cc: Mr. Jeff McFarlin
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